

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C-06-2454 MMC

STORUS CORPORATION,

Plaintiff,

v.

RESTORATION HARDWARE, INC., et al.,

Defendants

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
APPLICATION TO EXTEND DISCOVERY
CUT-OFF, EXPERT DESIGNATION AND
DISPOSITIVE MOTION FILING
DEADLINES; CONTINUING PRETRIAL
CONFERENCE**

Before the Court is defendants Aroa Marketing, Inc. and Skymall, Inc.'s "Ex Parte Application to Extend Discovery Cut-off, Expert Designation and Dispositive Motion Filing Deadlines," filed October 2, 2007. Plaintiff Storus Corporation has not filed opposition thereto. Having reviewed defendants' application, the Court rules as follows.

By order filed April 9, 2007, the Court, in accordance with the parties' agreement filed April 4, 2007, and good cause for such relief having been shown, continued the trial date and also extended the discovery deadlines and related pretrial dates, which dates were well in advance of the deadlines and dates ordinarily set by the Court in connection with the March 10, 2008 trial date set by the Court.

Thereafter, on September 17, 2007, the parties filed a stipulation to extend the September 28, 2007 non-expert discovery deadline, for the limited purpose of allowing

1 plaintiff to depose Martin Smith and Alex Elnekaveh after said deadline. On September 19,
2 2007, the Court approved said stipulation, good cause for the requested extension having
3 been shown.

4 Apparently perceiving the need for additional time to complete discovery, the parties,
5 on September 21, 2007, filed a stipulation to extend all discovery deadlines and the
6 deadline for filing dispositive motions, but omitted a showing of good cause therefor. Given
7 the absence of a showing of good cause, and the scheduled October 12, 2007 Settlement
8 Conference, for which the parties needed to be prepared, the Court, by order filed
9 September 25, 2007, denied the stipulation.

10 By order filed October 9, 2007, Magistrate Judge Edward M. Chen approved a
11 stipulation by the parties to continue the Settlement Conference to November 9, 2007, in
12 order to afford plaintiff the opportunity to complete the depositions of Martin Smith and Alex
13 Elnekaveh before the Settlement Conference.

14 In the instant application, defendants state they seek an extension of the discovery
15 deadlines in order to adequately prepare for trial. In light of the fact that the Settlement
16 Conference has been continued and that all parties may have relied on their September 17,
17 2007 stipulation in preparing for trial, the Court finds it appropriate to grant a limited
18 extension of the discovery deadlines, specifically, an extension to dates in advance of the
19 Settlement Conference. Additionally, in light of the extension of the discovery deadlines, it
20 appears appropriate to grant defendants' request to extend the dispositive motion filing
21 deadline to December 7, 2007, a date consistent with the Court's ordinary schedule for a
22 March 10, 2008 trial date. Finally, in light of the above extensions, the Court will continue
23 the January 18, 2008 pretrial conference.

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1 Accordingly, the application is hereby GRANTED in part and DENIED in part, as
2 follows:

- 3 1. The deadline to disclose experts is EXTENDED to October 19, 2007.
- 4 2. The deadlines to complete fact and expert discovery are EXTENDED to
5 November 6, 2007.
- 6 3. The deadline to file dispositive motions is EXTENDED to December 7, 2007.
- 7 4. The Pretrial Conference is CONTINUED to February 12, 2008, at 3:00 p.m.
- 8 5. In all other respects, the motion is hereby DENIED.

9 **IT IS SO ORDERED.**

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11 Dated: October 11, 2007


MAXINE M. CHESNEY
United States District Judge